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EXAMINER

VAN DOREN, BETH

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 03/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/723,319

Applicant(s)

THOMPSON ET AL.

Examiner

Beth Van Doren

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SW
The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. The following is a non-final, first office action on the merits. Claims 1-16 are pending.

Claim Objections

2. Claim 8 is objected to due to a typographical error. Claim 8 contains the limitation "send messages to works that do not specify", which should more appropriately recite --send messages to workers that do not specify--. Correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 7, and 9-16 are rejected under 35 U.S.C. 102(e) as being anticipated by O'Brien (U.S. 6,587,831).

4. As per claim 1, O'Brien discloses a resource management system comprising:

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a work plan builder module configured to build work plans for workers, said work plan builder module being configured to allow each worker to specify, for each of a plurality of different time periods, one of a plurality of different activities that the worker plans to perform during that time period (See at least figures 2, 2A, 2B, and 5, column 2, lines 15-35 and 64-67, column 4, lines 10-26 and 45-65, column 7, lines 1-10 and 17-35, and column 8, lines 38-52, wherein a work plan builder allows each worker to specify for different time period different activities the worker plans to do (work, take lunch, take leave, swap shifts, etc.)); and

a computer accessible memory for storing the work plans built by said work plan builder module (See at least figure 3, column 3, lines 24-40, column 4, lines 50-67, and column 5, lines 1-5, which discloses computer accessible memory storing work plans).

5. As per claim 7, O'Brien teaches a resource management system wherein the memory is part of a system server computer and the work plan module is a client process executed on a computer located remotely with respect to the system server computer (See at least figure 1, and column 3, lines 15-60, which discuss the architecture of the system).

6. As per claim 9, O'Brien discloses a resource management system further comprising:

a supervision module configured to access the work plans stored in said memory and to allow review of the work plans by supervisors (See at least figures 2, 2A, 2B, and 5, column 2, lines 15-35 and 64-67, column 3, lines 25-50, column 4, lines 10-26 and 45-65, column 6, lines 44-50, column 7, lines 1-10 and 17-35, and column 8, lines 38-52, wherein a manager module has access to data indicative of all workers that plan to

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perform a particular activity during a particular time period. The manager can review this data).

7. As per claim 10, O'Brien teaches a resource management system wherein the supervision module is configured to communicate data indicative of all workers that plan to perform a particular activity during a particular time period (See at least figures 2, 2A, 2B, and 5, column 2, lines 15-35 and 64-67, column 3, lines 25-50, column 4, lines 10-26 and 45-65, column 6, lines 44-50, column 7, lines 1-10 and 17-35, and column 8, lines 38-52, wherein a manager module has access to data indicative of all workers that plan to perform a particular activity during a particular time period).

8. As per claim 11, O'Brien discloses a resource management system wherein the supervision module is configured to communicate data indicative of total amounts of time that workers plan to perform particular activities (See at least figures 2, 2A, 2B, and 5, column 2, lines 15-35 and 64-67, column 3, lines 25-50, column 4, lines 10-26 and 45-65, column 6, lines 18-30, column 7, lines 1-10 and 17-35, and column 8, lines 38-52, wherein a manager module is configured to communicate data indicative of total amounts of time that workers plan to perform particular activities).

9. As per claim 12, O'Brien teaches a resource management system further comprising:

a forecast module for comparing the work plans stored in said memory with forecasted needs (See at least column 1, lines 45-57, column 5, lines 5-30 and 48-67, and column 6, lines 1-20, which discloses forecasting and revisions).

10. As per claim 13, O'Brien discloses a resource management system wherein said forecast module is configured to generate a graphical display indicative of the

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comparison of the work plans and the forecasted needs (See at least column 1, lines 45-57, column 3, lines 25-40, column 5, lines 5-30 and 48-67, and column 6, lines 1-20, which discloses graphical displays indicative of the comparison performed of the plan and the needs).

11. As per claim 14, O'Brien teaches a method of managing resources comprising: specifying for each of a plurality of workers, for each of a plurality of time periods, one of a plurality of different activities that the worker plans to perform during that time period (See at least figures 2, 2A, 2B, and 5, column 2, lines 15-35 and 64-67, column 4, lines 10-26 and 45-65, column 7, lines 1-10 and 17-35, and column 8, lines 38-52, wherein a work plan builder allows each worker to specify for different time period different activities the worker plans to do (work, take lunch, take leave, swap shifts, etc.)); and

storing in a computer-accessible memory the specified activities (See at least figure 3, column 3, lines 24-40, column 4, lines 50-67, and column 5, lines 1-5, which discloses computer accessible memory storing work plans).

12. As per claim 15, O'Brien teaches a method further comprising: comparing the specified activities stored in the memory with forecast needs (See at least column 1, lines 45-57, column 5, lines 5-30 and 48-67, and column 6, lines 1-20, which discloses forecasting and revisions).

13. As per claim 16, O'Brien discloses a method further comprising: changing the specified activities for one or more of the workers based on the comparing (See at least column 1, lines 45-57, column 5, lines 5-30 and 48-67, and column 6, lines 1-20, which discloses forecasting and revisions).

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Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Brien (U.S. 6,587,831).

15. As per claim 2, O'Brien teaches a resource management system wherein the plurality of different activities include answering telephone calls (See at least column 2, lines 64-67, column 3, lines 1-5, and column 5, lines 10-22, wherein the different work shift activities include answering phone calls). However, O'Brien does not expressly disclose activities including answering electronic mail messages, and answering regular mail messages.

O'Brien discloses developing a work plan for workers performing various activities at various time periods. O'Brien discloses that the activities are at a telephone call center as a preferred environment, but may be applied to an environment for scheduling. It would have been obvious to one of ordinary skill in the art at the time of the invention to include answering electronic mail messages and answering regular mail messages in the scheduling system of O'Brien in order to more efficiently generate schedules for employees working in an environment. Answering electronic mail messages and answering regular mail messages are well known job activities performed by workers.

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16. As per claim 3, O'Brien discloses a resource management system wherein the plurality of different activities further include vacation time (See at least figures 2, 2A, 2B, and 5, column 2, lines 15-35 and 64-67, column 4, lines 10-26 and 45-65, column 7, lines 1-10 and 17-35, and column 8, lines 38-52, wherein the employee can request vacation time).

17. As per claim 8, O'Brien teaches a resource management system wherein said work plan builder module is configured to generate and send messages to workers and to generate a work plan using data input by the worker by the time of the generation (See at least figures 2, 2A, 2B, and 5, column 2, lines 15-35 and 64-67, column 4, lines 10-26 and 45-65, column 6, lines 50-67, column 7, lines 1-10 and 17-35, and column 8, lines 38-52, wherein messages and notifications are sent to workers and wherein the work plan is generated using data entered and stored by the workers before the building of the schedule). However, O'Brien does not expressly disclose sending the notification if the worker does not specify a plan by a work plan deadline.

O'Brien discloses a computer-based tool wherein messages and notifications are sent to workers and wherein a work plan is generated using data entered and stored by the workers before the building of the schedule. It is well known that an employee must specify to an employer his/her work plans by a particular deadline. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to send the worker a message if the worker did not specify a plan by a work plan deadline in order to more efficiently create schedules by using the most accurate information so revisions need not occur. See at least column 1, lines 45-67, column 2, lines 1-32, and column 6, lines 52-67.

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18. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over O'Brien (U.S. 6,587,831) in view of "National Finance Center-Employee Personal Page Information" (www.nfc.usda.gov).

19. As per claim 4, O'Brien discloses a resource management system wherein the work plan builder module is configured to selectively communicate to each worker data indicative of the approval of vacation time and the work plan builder module is configured to allow the worker to access the work plan builder and view records concerning the worker (See at least figures 2, 2A, 2B, and 5, column 2, lines 15-35 and 64-67, column 3, lines 25-50, column 4, lines 10-26 and 45-65, column 7, lines 1-10 and 17-35, and column 8, lines 38-52, wherein the work plan builder module communicates to the worker if he/she is approved for vacation time and the ability for the worker to access the work plan builder).

However, O'Brien does not expressly disclose selectively communicating data indicative of the vacation time remaining for that worker.

"National Finance Center-Employee Personal Page Information" selectively communicates to each worker data indicative of the vacation time remaining for that worker (See pages 1, 3, and 8, wherein after the employee accesses the system, the module communicates to each worker data indicative of the vacation time remaining for that worker).

Both O'Brien and "National Finance Center-Employee Personal Page Information" teach computer-based tools that allow employees to access data concerning leave over a network using identification information. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the vacation time

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remaining for a worker in the viewable data accessible by the worker of O'Brien in order to increase the user friendliness of the system by providing up-to-date and reliable information concerning the employee's leave and schedule. See page 1 of "National Finance Center-Employee Personal Page Information" and column 1, lines 45-67, and column 2, lines 1-32, of O'Brien, both of which discuss the importance of communicating up to date and accurate information to workers.

20. As per claim 5, O'Brien teaches a resource management system wherein the plurality of activities further includes leave (See at least figures 2, 2A, 2B, and 5, column 2, lines 15-35 and 64-67, column 3, lines 25-50, column 4, lines 10-26 and 45-65, column 7, lines 1-10 and 17-35, and column 8, lines 38-52, wherein the work plan builder module considers leave requests). However, O'Brien does not expressly disclose that this leave is sick time.

"National Finance Center-Employee Personal Page Information" discloses leave as sick time (See pages 1, 3, and 8, which discloses sick time leave of the employee).

Both O'Brien and "National Finance Center-Employee Personal Page Information" teach computer-based tools that allow employees to access data concerning leave over a network using identification information. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the sick time of a worker in the viewable data accessible by the worker of O'Brien in order to increase the user friendliness of the system by providing up-to-date and reliable information concerning the employee's leave and schedule. See page 1 of "National Finance Center-Employee Personal Page Information" and column 1, lines 45-67, and column 2, lines 1-32, of

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O'Brien, both of which discuss the importance of communicating up to date and accurate information to workers.

21. As per claim 6, O'Brien discloses a resource management system wherein the work plan builder module is configured to selectively communicate to each worker data indicative of the approval of leave time and the work plan builder module is configured to allow the worker to access the work plan builder and view records concerning the worker (See at least figures 2, 2A, 2B, and 5, column 2, lines 15-35 and 64-67, column 3, lines 25-50, column 4, lines 10-26 and 45-65, column 7, lines 1-10 and 17-35, and column 8, lines 38-52, wherein the work plan builder module communicates to the worker if he/she is approved for vacation time and the ability for the worker to access the work plan builder).

However, O'Brien does not expressly disclose selectively communicating data indicative of the sick time remaining for that worker.

"National Finance Center-Employee Personal Page Information" selectively communicates to each worker data indicative of the sick time remaining for that worker (See pages 1, 3, and 8, wherein after the employee accesses the system, the module communicates to each worker data indicative of the vacation time remaining for that worker).

Both O'Brien and "National Finance Center-Employee Personal Page Information" teach computer-based tools that allow employees to access data concerning leave over a network using identification information. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the sick time remaining for a worker in the viewable data accessible by the worker of O'Brien in order to increase

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the user friendliness of the system by providing up-to-date and reliable information concerning the employee's leave and schedule. See page 1 of "National Finance Center-Employee Personal Page Information" and column 1, lines 45-67, and column 2, lines 1-32, of O'Brien, both of which discuss the importance of communicating up to date and accurate information to workers.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Williams (U.S. 5,600,554) teaches a system that manages payroll and human resource data for employees by using employee input.

Green et al. (U.S. 6,356,875) discloses a system that tracks hours worked by employees by function.

Knudson et al. (U.S. 5,765,140) teaches scheduling for a project using the availability data of employees and other factors.

Green (U.S. 6,192,346) teaches a vacation and holiday scheduling system that allows for scheduling of holidays based on the vacation needs of employees.

Wolfinger (U.S. 6,415,259) discloses a tool that schedules using availability information and other factors and re-schedules based on unforeseen events.

"Practical Function Set for Workforce Management" (Research Disclosure NNRD413142) teaches creating an optimal schedule for a business using forecasting and availability information concerning workers.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Van Doren whose telephone number is (703) 305-3882. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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March 5, 2004


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SUPERVISORY PATENT EXAMINER
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